

Date/Time Filed with Registrar of Regulations	VA.R. Document Number: R_____ - _____
	Date of Publication in Virginia Register:

Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☒ **Initial Agency Notice** ☐ **Agency Decision**

Regulatory Coordinator: Cindy M. Berndt

Telephone: (804) 698-4378

E-mail: cmberndt@deq.virginia.gov

Agency Name: Department of Environmental Quality

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
9 VAC 25-720	Water Quality Management Planning Regulation

Statutory Authority: State mandate in the Code of Virginia, §62.1-44.15, is the source of legal authority identified to promulgate these amendments. The promulgating entity is the State Water Control Board.

Name of petitioner: Mayor Richard L. Fox, Town of Craigsville, Virginia

Nature of petitioner's request: The Town of Craigsville has requested an amendment of the Water Quality Management Planning Regulation (9 VAC 20-720) to assign nutrient waste load allocations for a new wastewater treatment plant. The Town currently operates a 0.25 MGD wastewater plant that provides final treatment using spray irrigation under a Virginia Pollution Abatement permit (no surface water discharge). The existing plant is not a “significant discharger” for the purpose of assigning nutrient waste load allocations, and for that reason was not included in the Water Quality Management Planning Regulation amendments (9 VAC 25-720) adopted by the State Water Control Board in 2005. Further, since there is no surface water discharge, the plant has no design capacity as a nonsignificant discharger would. As a result, the plant has zero nutrient waste load allocations, and would be identified as a new discharge required to completely offset the additional nutrient load if it discharged to State waters.

The Town recently applied for a VPDES discharge permit for a new 0.435 MGD plant, and has petitioned for nutrient waste load allocations as follows:

- Total Nitrogen = 10,600 lbs/yr (based on 0.435 MGD and 8.0 mg/l annual average TN concentration)
- Total Phosphorus = 1,325 lbs/yr (based on 0.435 MGD and 1.0 mg/l annual average TP concentration)

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: The Department is public noticing receipt of the petition and seeking public comment on the petition. Upon close of the public comment period, comments received will be reviewed and a decision made on initiating a rulemaking or placing the petition on the Board's next meeting agenda for their consideration.

Comments may be submitted until July 31, 2006

AGENCY DECISION

☐ **Request Granted**

☐ **Request Denied**

Statement of reasons for decision:

Agency Contact for Further Information:

Name: John M. Kennedy

Title: DEQ-Chesapeake Bay Program Manager

Address: P.O. Box 10009, Richmond, VA 23240-0009

Telephone: (804) 698-4312 **Fax:** (804) 698-4116

Toll Free: 1-800-592-5482

E-mail: jmkennedy@deq.virginia.gov

Date Submitted: June 13, 2006
